



STATE REPRESENTATIVE  
**FREDERICK P. KESSLER**

WISCONSIN STATE ASSEMBLY

12TH DISTRICT

**Statement of State Representative Frederick P. Kessler  
Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and  
Housing**

**Wisconsin Capitol—Room 411 South**

**Tuesday, December 15, 2009**

**Senate Joint Resolution 42 – Prisoners of the Census**

Senate Joint Resolution 42 is an effort to bring our state's election system closer to the ideal of one-person, one vote.

The constitutional amendment that it would create would state that incarcerated felons, who may not vote, should not be regarded as members of the electoral districts where their prisons are located. It is the current policy of the federal Census Bureau to count inmates as "residents" of their prisons, and Wisconsin uses the census numbers to draw electoral maps, both for the state legislature and for counties and municipalities. The Census Bureau's decision results in many districts having large numbers of phantom "residents" who cannot vote and have no connection to the community outside of the prison walls. These districts have significantly fewer eligible voters than districts that do not contain prisons. Those Wisconsin residents who happen to live near prisons thus become "supervoters" - they have more representation in government than other citizens of our state.

Peter Wagner heads the Prison Policy Initiative and is the leading national voice on this issue. He has analyzed Wisconsin's districts and has found that, because of the way we count prisoners, nearly 10% of the "residents" of the 53<sup>rd</sup> Assembly district are felons incarcerated in the many prisons of the Fox Valley. The vast majority of these inmates do not come from the 53<sup>rd</sup>, will not remain in the 53<sup>rd</sup>, and have few political interests in common with the people who live outside the prison walls. We do not allow these prisoners to vote, but our current system effectively gives their votes to the people who happen to live near their prisons - at the expense of every other voter in the state.

The problem is even more pronounced on the local level. Because county and municipal board districts are smaller, the inmate population of even one prison can make up a large percentage of a given district. In Waupun's Third Aldermanic District, for example, inmates make up 79% of the population. One vote in this district is equivalent to five votes in a district without a prison.

This five-to-one disparity is simply incompatible with the principal one-person, one-vote. Equality in representation is one of the cornerstones of our democracy. I urge the committee to recommend passage of AJR 63.

I will now be happy to answer any questions that committee members may have.

2006 General Election Turnout in Waupun – Total Vote by Ward  
Source: 2007-08 Bluebook

Dodge County		
	Wards 1 & 2	665
	Wards 3 & 8	193
	Wards 4 & 6	247
	Wards 5 & 7	578
Fond du Lac	Wards 9 & 10	775
	Wards 11 & 12	478